

REMARKS/ARGUMENT

This Amendment is being filed in response to the Office Action dated July 13, 2005. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-22 are pending in this application. Claims 1 and 11 are independent claims.

In the Office Action, the abstract is objected to for, in effect, informalities. The abstract is amended herein to be in proper U.S. format including being clear and concise. It is respectfully submitted that the abstract is now in proper U.S. form and an indication to that effect is respectfully requested.

Claims 1, 2, 11, and 12 are rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,018,520 to Okada ("Okada") in view of U.S. Patent No. 6,112,098 to Flint ("Flint"). Claims 3-6 and 13-22 rejected under 35 U.S.C. §103(a) as unpatentable over Okada in view of Flint, in further view of U.S. Patent No. 6,778,817 to Bullock ("Bullock").

Okada shows a system for using a wireless modem that communicates to a base station. Flint shows a system for testing for a quiet (e.g., no transmission, low noise, see, Flint, Col. 4,

lines 12-15) channel for communication between a mobile unit and a base station. In operation, "[the remote] begins a frequency scan of all its available channels. It does this by listening on each channel for a specified time." (See, Flint, Col. 4, lines 8-11.) Importantly, the remote does this at a time when "the base is not transmitting, [so that] the remote will know whether a channel is busy or clear." (see, Flint, Col. 4, lines 14-16.)

Accordingly, Okada in view of Flint clearly does not disclose or suggest (emphasis provided) "[a] system for a cordless modem comprising: a base station comprising means for connection with a communication line; a remote unit for connection with an interface of a modem; said base station including means for wireless communication with said remote unit; said remote unit comprising means for wireless communication with at least said base station; "said base station including means for testing using wireless communication between said base station and said remote unit and selecting a frequency providing a strongest reception from a plurality of available channels for wireless communication between said base station and said remote unit as required by Claim 1. Further, Okada in view of Flint does not disclose or suggest "[a] method for providing a system for a cordless modem; comprising the steps of: (a) providing a base station adapted for connection with

a communication line; (b) providing a remote unit adapted for connection with an interface of a modem; (c) providing wireless communication between said base station and said remote unit; and (d) testing wireless transmissions between said base station and said remote unit; (e) comparing a received signal strength from the remote unit with the wireless transmissions transmitted by the base station in step (d); and (f) repeating steps (d) and (e) for a plurality of channels having different frequencies, and selecting a channel having a strongest signal strength from among the plurality of channels" as required by Claim 11.

Based on the foregoing, the Applicants respectfully submit that independent Claims 1 and 11 are patentable over Okada in view of Flint and notice to this effect is earnestly solicited. Claims 2-10 and 12-22 respectively depend from one of Claims 1 and 11 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of said claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the

presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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On October 13, 2005

(Date of Mailing)

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